

88-11

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 9

In the Matter of :

AEROLITE CHROME CORPORATION, AEROLITE  
PLATING COMPANY, ARTHUR THOMAS,  
MATHEW THOMAS, ARMEN THOMASSIAN,  
RICHARD V. ROMERO,

Order No. 88-11

Respondents.

Proceeding under Section 106 of the  
Comprehensive Environmental Response,  
Compensation and Liability Act of 1980,  
as amended by the Superfund Amendments  
and Reauthorization Act of 1986,  
(42 U.S.C. §9606)

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3 I. Jurisdiction

4 This Order is issued to Aerolite Chrome Corporation,  
5 Aerolite Plating Company, Arthur Thomas, Armen Thomassian, Mathew  
6 Thomas, and Richard V. Romero (Respondents) pursuant to the Com-  
7 prehensive Environmental Response, Compensation and Liability Act  
8 of 1980, as amended by the Superfund Amendments and Reauthoriza-  
9 tion Act of 1986, by authority delegated to the Administrator of  
10 the United States Environmental Protection Agency (EPA), and  
11 redelegated to the EPA Regions.

12 The Director of the Toxics and Waste Management Division,  
13 EPA Region 9, has determined that there may be an imminent and  
14 substantial endangerment to the public health, welfare or the en-  
15 vironment because of the release and threatened release of haz-  
16 ardous substances from the facility.

17 II. Findings of Fact

18 A. Aerolite Chrome Corporation is a corporation organized in  
19 1971 under the laws of Nevada.

20 B. Aerolite Chrome Corporation owns property at 1000 Telegraph  
21 Street, Suites 7 and 8, Reno, Nevada 89502 ("The Site").

22 Aerolite Plating Company (Aerolite) is operated by a partnership  
23 of Aerolite Chrome Corporation (Arthur Thomas, President), Armen  
24 Thomassian, Mathew Thomas, and Richard V. Romero.

25 C. The Site is immediately adjacent to the Reno-Cannon Interna-  
26 tional Airport.

1 D. Part of the Site is utilized by High Sierra Industries, an  
2 employer of handicapped workers engaged in manufacturing ac-  
3 tivities.

4 E. Prior to 1985, Aerolite discharged industrial waste to the  
5 City of Reno's sewer system. In 1985, the City of Reno approved  
6 a waste water pretreatment process which eliminated waste water  
7 discharges to the city sewer system. Aerolite was required to  
8 implement this process and cease discharges to the Reno city  
9 sewer system.

10 F. On February 24, 1988, the City of Reno discovered personnel  
11 at Aerolite illegally pumping industrial waste water containing  
12 hazardous substances into the Reno city sewer system via  
13 Aerolite's sanitary sewage line.

14 G. On February 25-26, 1988, EPA representatives inspected the  
15 Site.

16 H. During EPA's inspection, a waste water sump was found in the  
17 center of a room in which plating operations were conducted and  
18 chemicals are stored. The facility is designed such that liquid  
19 waste from the plating operations is collected in this sump.

20 Elevated levels of chromium, nickel, copper, 1,1,1 tri-  
21 chloroethane (TCA), and cyanide were found in the sump. This  
22 waste mixture had a pH of 1, which indicates that the mixture is  
23 extremely acidic and corrosive. A mixture of these materials is  
24 considered incompatible and can produce effects which are harmful  
25 to human health and the environment, such as: 1) heat or pres-  
26 sure, 2) fire or explosion, 3) violent reaction, 4) toxic dusts,  
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1 mists, fumes, or gases, or 5) flammable fumes and gases.

2 I. A mixture of spent cyanide solutions, such as the ones found  
3 at the Site, could when mixed with the acid solutions found at  
4 the Site, cause the generation of toxic hydrogen cyanide gas.

5 J. TCA was used for degreasing operations at the facility.  
6 Treatment of this waste containing TCA requires procedures that  
7 are not in use at the Site.

8 K. The Aerolite facility contains 25 open vats containing a  
9 variety of both extremely acidic and extremely basic solutions.  
10 These solutions are extremely corrosive and dangerous to human  
11 health.

12 L. Liquid releases from the open vats are designed to drain  
13 into the central waste water discharge sump. Liquid releases  
14 from the vats would create a potentially incompatible mixture,  
15 which could result in the effects listed in paragraph H. above.

16 M. Evidence of the illegal disposal of waste has been found on  
17 adjacent property both north and east of the Site. The EPA in-  
18 spection found that soils to the east of the Site contained 50  
19 ppm of cyanide. A recently filled-in man-made lake on the east-  
20 ern side of the Site was allegedly used as a dump for waste from  
21 the Site. This contamination could potentially result in the  
22 contamination of ground water and the Truckee River.

23 N. Potential risks from the Site include the release of  
24 hydrogen cyanide gas, a fire or explosion, domestic well con-  
25 tamination, or ground water discharge to the Truckee River.

26 O. The population at risk includes workers at the Site, people  
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1 at other industrial facilities in the vicinity of the Site, and  
2 people traveling in the vicinity of the Site.

3 P. The EPA has designated an On-Scene Coordinator ("OSC") for  
4 the facility, pursuant to 40 C.F.R. Part 300, published at 50  
5 Fed. Reg. 47912 (November 20, 1985).

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8 **III. Conclusions of Law**  
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11 A. Respondents are "persons" as defined in Section 101(21) of  
12 CERCLA, 42 U.S.C. §9601(21).

13 B. Respondents are "owners or operators" as defined in Section  
14 101(20) of CERCLA, 42 U.S.C. §9601(20).

15 C. The Site is a "facility" as defined in Section 101(9) of  
16 CERCLA, 42 U.S.C. §9601(9).

17 D. Spent cyanide solutions, plating bath residues, extremely  
18 acidic or basic solutions, degreasing waste containing TCA, and  
19 incompatible wastes are "hazardous substances" as defined in Sec-  
20 tion 101(14) of CERCLA, 42 U.S.C. §9601(14).

21 E. The disposal of waste water to the city of Reno sewers, the  
22 existence of incompatible wastes, and the presence of cyanide in  
23 soils adjacent to the site constitute a "release" or "threatened  
24 release" of hazardous substances into the environment as defined  
25 in Section 101(22) of CERCLA, 42 U.S.C. §9601(22).

26 F. The Respondents owned and/or operated the Site and are  
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1 responsible parties as defined in Section 107(a)(3) of CERCLA, 42  
2 U.S.C. §9607(a)(3).

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4 IV. Determinations

5 Based on the Findings of Facts and Conclusions of Law, the  
6 Director, Toxics and Waste Management Division, EPA Region 9, has  
7 made the following determinations:

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9 A. The release or threatened release of hazardous substances  
10 and pollutants or contaminants from the site may present an im-  
11 minent and substantial endangerment to the public health, wel-  
12 fare, or the environment.

13 B. In order to prevent or mitigate immediate and significant  
14 risk of harm to human health and the environment, an immediate  
15 removal action must be undertaken to contain and terminate the  
16 release of hazardous substances.

17 C. The removal measures required by this Order are consistent  
18 with the National Contingency Plan (NCP), Title 40 of the Code of  
19 Federal Regulations, Part 300.

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21 V. Order

22 Based upon the Findings of Fact, Conclusions of Law and  
23 Determinations, Respondents are hereby Ordered to implement the  
24 following measures under the direction of EPA's On-Scene Coor-  
25 dinator.

- 1 A. The Respondent shall deny access by any persons not
- 2 authorized by the OSC to the Site. Any persons entering the Site
- 3 must be wearing personal protection equipment approved by the
- 4 OSC.
- 5 B. The Respondent shall immediately provide for a continuous
- 6 (24 hour) security guard at the Site.
- 7 C. Any removal of materials from the Site must be approved by
- 8 the OSC.
- 9 D. Plating operations at the Site shall not be recommenced un-
- 10 til EPA notifies the Respondent that these operations may resume.
- 11 E. Within five (5) calendar days of the effective date of this
- 12 Order, the Respondents shall submit a plan for stabilization of
- 13 the site and cleanup of the sump area. This plan shall include a
- 14 schedule for implementation of the plan, and shall be implemented
- 15 upon approval by EPA.
- 16 F. Within ten (10) calendar days of the effective date of this
- 17 Order, the Respondents shall submit a plan for the characteriza-
- 18 tion of the offsite areas to the north and east of the plant,
- 19 where waste from the site was allegedly disposed of. This plan
- 20 shall include a schedule for implementation of the plan and shall
- 21 be implemented upon approval by EPA.
- 22 G. Upon completion of the off-site characterization, pursuant to
- 23 the plan described in paragraph F. above, Respondents shall
- 24 implement any removal or cleanup actions required by the EPA.
- 25 H. Upon completion of removal activities, as defined by the OSC,
- 26 Respondents shall submit a report documenting removal activities
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1 performed pursuant to this Order.

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3 VI. Compliance With Other Laws

4 Respondents shall comply with all federal, state and local  
5 laws and regulations in carrying out the terms of this Order. All  
6 hazardous substances removed from the facility must be handled in  
7 accordance with the Resource Conservation and Recovery Act of  
8 1976, 42 U.S.C. § 6921, et seq., the regulations promulgated un-  
9 der that Act, and in accordance with 29 C.F.R. 1910.120, the Oc-  
10 cupational Safety and Health Act regulations for hazardous waste  
11 workers.

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13 VII. On-Scene Coordinator

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15 EPA has appointed an On-Scene Coordinator (OSC) for the Site  
16 who has the authority vested in the On-Scene Coordinator by 40  
17 C.F.R. Part 300, et seq.. The On-Scene Coordinator for the pur-  
18 poses of this Order is:

19  
20 Matthew Monsees  
21 United States Environmental Protection Agency  
22 Region 9  
23 215 Fremont Street  
24 San Francisco, California 94105  
25 (415) 974-8133

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27 VIII. Submittals

28 All submittals and notifications to EPA required by

1 this Order or the plans shall be made to the OSC, with copies  
2 sent to the contact persons listed below.

3 All approvals and decisions of EPA made regarding the sub-  
4 mittals and modifications shall be communicated to Respondents by  
5 the Director, Toxics Waste and Management Division or his  
6 designee. No informal advice, guidance, suggestions, or comments  
7 by EPA regarding reports, plans, specifications, schedules, or  
8 any other matter will relieve Respondents of their obligation to  
9 obtain formal approvals as required by this Order.

#### 11 IX. Access

12 Respondents shall provide EPA employees and other repre-  
13 sentatives with complete access to the facility at all times.  
14 Nothing in this Order limits any access rights that EPA or other  
15 agencies may have pursuant to law.  
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#### 18 X. Endangerment During Implementation

19 The Director, Toxics and Waste Management Division, EPA  
20 Region 9, or the OSC as his delegate in monitoring activities at  
21 the site, may determine that acts or circumstances (whether re-  
22 lated to or unrelated to this Order) may endanger human health,  
23 welfare or the environment and may order the Respondents to stop  
24 further implementation of this Order until the endangerment is  
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1 abated.

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3 XI. Government Not Liable

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5 The United States Government and its employees and other  
6 representatives shall not be liable for any injuries or damages  
7 to persons or property resulting from the acts or omissions of  
8 Respondents, their employees or other representatives caused by  
9 carrying out this Order. For the purposes of this Order, the  
10 United States Government is not a party to any contract with the  
11 Respondents.

12 XII. Noncompliance

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14 A. A willful violation or failure or refusal to comply with  
15 this Order may subject Respondents to a civil penalty of up to  
16 \$25,000 per day in which the violation occurs or failure to  
17 comply continues, pursuant to the provisions of Section 106(b)(1)  
18 of CERCLA, 42 U.S.C. §9606(b)(1). Failure to comply with this Or-  
19 der without sufficient cause may also subject Respondents to  
20 punitive damages of up to three times the total costs incurred by  
21 the United States for site response pursuant to Section 107(c)(3)  
22 of CERCLA, 42 U.S.C. § 9607(c)(3).

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24 B. EPA may take over the removal action at any time if EPA  
25 determines that Respondents are not taking appropriate action.  
26 EPA may order additional actions it deems necessary to protect  
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1 public health, welfare, or the environment.

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3 XIII. Opportunity to Conf

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5 Respondents may request a conference with the Director,  
6 Toxics and Waste Management Division, EPA Region 9, or his staff  
7 to discuss the provisions of this Order. At any conference held  
8 pursuant to Respondents' request, Respondents may appear in per-  
9 son or by counsel or other representatives for the purpose of  
10 presenting any objections, defenses or contentions which Respon-  
11 dents may have regarding this Order. If Respondents desire such a  
12 conference, Respondents must make a request orally within 24  
13 hours of receipt of this Order, and confirm the request in writ-  
14 ing immediately. Please make the request to any of the contact  
15 persons listed below.

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17 XIV. Parties Bound

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19 This Order shall apply to and is binding upon the Respon-  
20 dents, their officers, directors, agents, employees, contractors,  
21 successors, and assigns.

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23 XV. Notice of Intent to Comply

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25 Immediately upon receipt of this Order, Respondents shall  
26 orally inform EPA of their intent to comply with the terms of  
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1 this Order. The oral notice shall be confirmed within two (2)  
2 calendar days by written notice to the Director. Failure to  
3 timely notify EPA of the Respondents' intent to comply will be  
4 construed by EPA as a refusal to comply.

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6 XVI. Notice to State

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8 Notice of the issuance of this Order has been given to the  
9 State of Nevada. EPA will consult with the Nevada Department of  
10 Conservation and Natural Resources, Division of Environmental  
11 Protection, as appropriate, to ensure that the plans submitted by  
12 Respondents are consistent with State requirements.

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14 XVII. Effective Date

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16 Notwithstanding any conferences requested pursuant to the  
17 provisions of this Order, this Order is effective on the date of  
18 execution by the Director, Toxics and Waste Management Division,  
19 EPA Region 9.

1 IT IS SO ORDERED on this 2 day of March, 1988.

2 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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5 by: hara H. Upsher for  
6 Jeff Zelikson  
7 Director, Toxics and Waste Management Division  
8 EPA, Region 9

9 Contacts:

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